

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Schwarz

Serial No.: 09/733,306

Filed: December 8, 2000

For: METHODS OF FACILITATING VASCULAR GROWTH IN CARDIAC MUSCLE AND  
METHODS FOR THE PRODUCTION OF RECOMBINANT EMAP II

Confirmation No. 3192

Group Art Unit: 1633

Examiner: Janet L. Epps Ford

April 19, 2007

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP §1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated January 19, 2007 at least twice rejecting or finally rejecting claims 1, 2, 7-11, 17-19, 47 and 48.

☐ Enclosed is a check in the amount of \$\_\_\_\_\_ for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1). Applicant claims small entity status. See 37 CFR § 1.27.

☐ Please first reapply any previously paid notice of appeal fee and appeal brief.

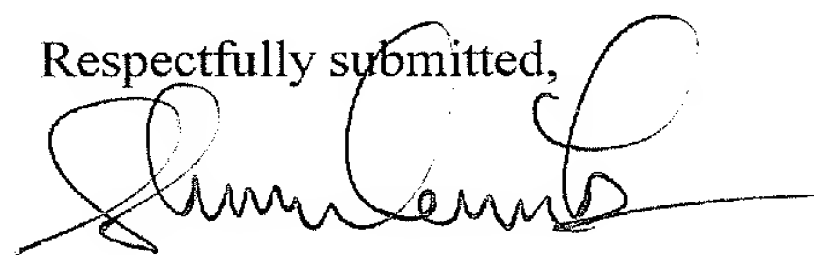
☐ Payment by credit card is requested. Form PTO-2038 is attached.

☐ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

☐ Also enclosed: \_\_\_\_\_

☒ The Commissioner is authorized to charge this and any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220. Applicant claims small entity status. See 37 CFR § 1.27.

Respectfully submitted,



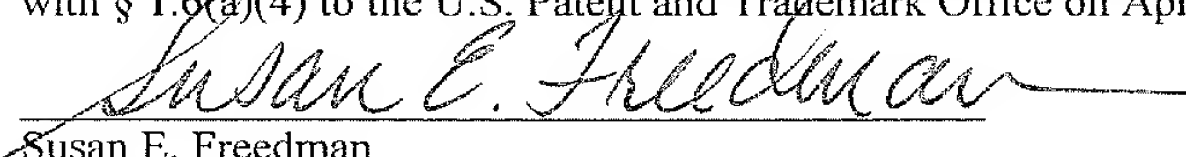
Shawna Cannon Lemon

Registration No. 53,888

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428, Raleigh, NC 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on April 19, 2007.



Susan E. Freedman

Date of Signature: April 19, 2007